

10/088602  
JC10 Rec'd PCT/PTO 21 MAR 2002

Customer No. 22,852  
Attorney Docket No. 05638.0018

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Jörg BERNARD et al. )  
) Group Art Unit:  
Serial No.: Not Yet Assigned )  
) Examiner:  
Filed: March 21, 2002 )  
)  
For: HARD CANDY WITH )  
IMPROVED STORAGE )  
STABILITY )

**Assistant Commissioner for Patents**  
**Washington, DC 20231**  
**BOX: PCT**

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicants bring to the Examiner's attention the documents listed on attached Form PTO-1449 and cited in the international search report. Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the documents listed on attached Form PTO-1449 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed with the above-referenced application.

The following are listed on the accompanying PTO-1449 and are in a non-English language:

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

1. WO97/30598 - In lieu of a statement of relevance or English translation, enclosed is the corresponding U.S. Patent Application Serial No. 09/125,702, setting forth the relevance of this document.

2. E 195 32 396 C2 - In lieu of a statement of relevance or English translation, enclosed is the corresponding U.S. Patent Application No. 09/030,295, setting forth the relevance of this document.

In lieu of a statement of relevance or the translation of the non-English documents, WO98/39978, WO97/08958, WO97/30598, and EP 0625578, enclosed is an English-language international search report from the European Patent Office in the PCT international application, from which this national phase U.S. application is derived, citing these documents and setting forth the relevance thereof.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

10/088602

Customer No. 22,852

Attorney Docket No. 05638.0018

JC10 Rec'd PCT/PTC 21 MAR 2002

If there is any fee due in connection with the filing of this Statement, please  
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 21, 2002

By: 

Ernest F. Chapman  
Reg. No. 25,961

Enclosures  
EFC/FPD/peg

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

OMB No. 0651-0011

**INFORMATION DISCLOSURE CITATION**

**10/088602**

Atty. Docket No. 05638.0018	Serial No. <b>JC10 Rec'd PCT/PTO 21 MAR 2002</b>
Applicant Jörg BERNARD et al.	
Filing Date March 21, 2002	Group:

U.S. PATENT DOCUMENTS						
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	4,323,588	4/6/82	Vink et al.	426	564	
	4,117,173	9/26/78	Schiweck et al.	426	548	
	4,587,119	5/6/86	Bucke et al.	424	48	
	4,971,798	11/20/90	Coia et al.	424	440	

FOREIGN PATENT DOCUMENTS						
	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	0 438 912 A2	7/31/91	Europe			
	WO98/39978	9/17/98	WIPO			Abstract
	WO97/08958	3/13/97	WIPO			Abstract
	WO97/30598	8/28/97	WIPO			No
	0 625 578 A1	11/23/94	Europe			No
	0 303 295	2/15/89	Europe			
	195 32 396 C2	3/6/97	Germany			No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	I. WILLIBALD-ETTLE et al., "Confections Containing Sweetener", U.S. Serial No. 09/125,702.
	K. RAPP et al., "Sugar-free Products with Improved Characteristics", U.S. Serial No. 09/030,295.

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
<p>Form PTO 1449 <span style="float: right;">Patent and Trademark Office - U.S. Department of Commerce</span></p>	